



SUPERIOR COURT OF ARIZONA
PROPOSAL ADDENDUM to E-8
ADDENDUM NO. 1

E-FILING & E-SERVICE SYSTEMS

THE REFERENCED PROPOSAL IS AMENDED AS FOLLOWS:

CHANGE DATES TO READ:

PRE PROPOSAL CONFERENCE: JANUARY 28th, 2003 @ 2:00 Cordova
Conference Room 3rd floor Law Library, 101 W.
Jefferson Avenue, Phoenix, AZ

QUESTION DUE FROM PRE-
PROPOSAL CONFERENCE: February 4, 2003 at 5 P.M. 125 W. Washington
Lower Level, Phoenix, Arizona

ANSWERS DUE FROM THE
COURT: February 12, 2003

RESPONSES & RFP DUE **FEBRUARY 19, 2003 AT 2:00 P.M. MST**
125 W. WASHINGTON, LOWER LEVEL,
PHOENIX, ARIZONA 85003

PROPOSAL EVALUATION Between February 20 and March 4, 2003

FINALIST PRESENTATIONS &
INTERVIEWS (IF REQUESTED) Week of March 10, 2003

BEST AND FINAL OFFER
IF REQUESTED

March 11, 2003

SELECTION OF CONTRACTOR
AND RECOMMENDATION TO
PRESIDING JUDGE:

March 12, 2003

CONTRACT NEGOTIATION AND SIGNING March 17, 2003

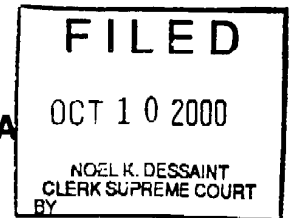
PLEASE ADD THE FOLLOWING ATTACHMENTS TO THE HARD COPY OF RFP. THIS IS BEING PROVIDED FOR YOUR CONVIENCE.

ATTACHMENT A
ATTACHMENT B

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IN THE SUPREME COURT OF THE STATE OF ARIZONA

Supreme Court No. R-99-0031




ORDER ADOPTING
RULE 124, RULES OF THE SUPREME COURT

IT IS ORDERED adopting Rule 124, Rules of the Supreme Court, as set forth in the attachment hereto,* effective December 1, 2000, for use in pilot programs to be determined by the Supreme Court Commission on Technology.

DATED in the City of Phoenix, Arizona at the Arizona Courts Building, this 10th day of October, 2000.

For the Court:



THOMAS A. ZLAKET
Chief Justice

* Changes or additions in text are indicated by underlining and deletions from text are indicated by ~~strikeouts~~.

RULES OF THE SUPREME COURT OF ARIZONA

Rule 124. Electronic Filing, Delivery and Service of Documents

(a) Electronic Filing Authorized. In accordance with this rule and the corresponding Administrative Requirements for Electronic Filing and Management of Court Documents adopted concurrently herewith, the chief justice and the chief judge of each division of the court of appeals may permit by appropriate court rule the electronic filing of documents in their respective courts. The presiding judge of the superior court in each county may permit by appropriate court rule the electronic filing of documents in the superior court and justice courts in each county. After consultation with the governing body of the city or town in which a municipal court is located, the presiding judge of the superior court may permit by appropriate court rule the electronic filing of documents in municipal court.

(b) Implementation of Electronic Filing. Before implementing an electronic filing system, an implementing court must:

- (1) develop an electronic filing plan that conforms with the Administrative Requirements for Electronic Filing and Management of Court Documents; and
- (2) adopt procedures that ensure document availability, security and integrity, and authentication of the document and its sender.

(c) Date and Effect of Electronic Filing.

- (1) An electronically filed document shall be deemed filed on the date and time that the document is accepted. Acceptance shall be determined by the court and shall

be deemed to occur (i) on the date the filing was transmitted if the transmission began during normal business hours of the clerk's office and (ii) on the next day the clerk's office is open for business if transmission began after normal business hours of the clerk's office.

(2) An electronically filed document constitutes the filing of the original written and signed paper under the rules governing practice and procedure in the courts of this state. The court may require the party to produce the original of an exhibit that has been filed electronically. An electronically filed document as it resides on the court's computer, and print-outs of said document, shall be considered the original document satisfying the best evidence rule set forth in Rule 1002, Arizona Rules of Evidence.

(d) Electronic Delivery of Documents by the Court. A court may deliver judgments, minute entries, orders requiring the signature of a judge or a clerk to be effective, and notices electronically, instead of by mail, to any party or any party's attorney who files either traditionally or electronically a consent. Such consent is effective in all subsequent litigation in that court involving the consenting party. A party or that party's attorney may withdraw such consent at any time upon notice to the clerk of the court filed either traditionally or electronically. An implementing court may adopt, by appropriate court rule, additional procedures relating to the e-delivery of documents, to the extent such additional procedures are not inconsistent with this Rule 124.

(e) Electronic Service of Documents by Parties. Any attorney or

unrepresented party may consent to receive electronic service of documents from another party. Such consent shall be filed either traditionally or electronically and may be withdrawn at any time upon notice filed either traditionally or electronically.

(f) Paragraph Numbering. Paragraph numbering based on the system adopted by the Supreme Court for numbering appellate opinions shall be used in all electronic documents. Until such time as a uniform citation system with paragraph numbering standards may be adopted, electronically filed documents shall include numbers assigned to each paragraph in accordance with the following procedures:

(1) Each paragraph of text shall be numbered consecutively.

(2) The following portions of an electronic document do not constitute a new paragraph and therefore shall not be numbered:

(A) headings introducing sections of text;

(B) indented (blocked) text, including text quoted from opinions, transcripts, exhibits, pleadings, or similar sources;

(C) lists of cases, statutes, or issues;

(D) text immediately following indented text, unless such text begins a new paragraph;

(E) footnotes;

(F) appendices or other attachments.

(3) If indented text is from a source that uses numbered paragraphs, the numbers from the original source shall not be included in the indented portion but in

the citation only.

(4) Each paragraph number shall be shown as, *e.g.*, "¶ 1" and placed at the left margin. The number shall be followed by a tab at the tenth character.

(5) If additional text is inserted into a document after it is first filed and/or distributed, the new paragraph or paragraphs shall be numbered using the number of the paragraph immediately preceding the insertions and letters, *e.g.*, "¶ 1a."

(6) If one or more paragraphs are deleted from a document after it is first filed and/or distributed, the text shall be replaced with the statement "paragraph deleted" following the appropriate paragraph number.

(7) If a supplemental document is filed, the paragraph numbering in the original document shall be continued.

(8) If referring to specific portions or passages in electronic documents which contain paragraph numbers, references shall employ the paragraph numbers in those documents.

(g) Computation of Time. The electronic delivery of documents by the court pursuant to paragraph (d) of this Rule and the electronic service of documents by parties pursuant to paragraph (e) of this Rule is complete upon transmission. If the electronic delivery or service of documents is completed on any day after 5:00 p.m. [Mountain Standard Time], then such documents shall be deemed to have been transmitted on the next day that is not a Saturday, a Sunday or a legal holiday. Whenever a party has the right or is required to take some action within a prescribed

period after service of a notice or other paper and such service is made electronically, such service shall be considered service by mail for the purpose of computing time under any rule of procedure.

[2000] Court Comment

This new Rule 124 and the corresponding Administrative Requirements for Electronic Filing and Management of Court Documents are adopted pursuant to A.R.S. §§ 12-119.02, 12-284.02, 22-284, and 22-408. These statutes expressly authorize the Supreme Court to adopt rules providing for the electronic filing of documents and the electronic access to court records.

The term “document” as used in Rule 124 does not expand the scope or nature of pleadings or other papers required or permitted to be filed under any rules that govern practice and procedure in the courts of this state.

[2000] Court Comment to Sections (c) and (g)

A document is “transmitted” when the sender does the last act that must be performed by the sender. As with other modes of service, evidence that the intended recipient did not receive the transmitted document may defeat the presumption of receipt that arises from the provision that “service is complete on transmission.”

Although the electronic delivery of documents by the court and the electronic service of documents by parties is complete upon transmission, the “electronic filing” of a document is not complete upon transmission. As with traditionally filed documents, the

court must receive and accept an electronically filed document before such document is considered filed.

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 1: Judicial Branch Administration
Chapter 5: Automation
Section 1-506: Filing and Management of Electronic Court Documents

A. Definitions. In this section the following definitions apply:

“ANSI/AIIM” means the American National Standards Institute and the Association for Information and Image Management. These two organizations are responsible for promoting and facilitating voluntary consensus standards and conformity assessment systems and promoting their integrity.

“Browser” means a computer application that interprets hypertext markup language (HTML), the programming language of the Internet, into the words and graphics that are viewed on a web page.

“Checksum or hashing algorithm” means a formula or procedure for checking that electronically transmitted messages have not been altered. A checksum is a numerical value based on the number of bits in the message. A hashing function transforms a string of characters into a usually shorter fixed-length value or key that represents the original string. The results are sent with the message. The receiver of the message executes the same formula and compares the results to the value sent. Any difference indicates an alteration of the message.

“Cryptography” is the science of rendering plain information unintelligible and restoring encrypted information to intelligible form. As a way of achieving data security, encryption translates plain text into secret code that can only be decrypted by those with the secret key or password.

“Digital certificate” means an attachment to an electronic message used for security purposes. The most common use is as part of a digital signature process to verify the identity of the sender of a message.

“Digital time-stamp” means a cryptographically enabled time stamp which is digitally signed by a time stamp server and thus cannot be modified without detection. It provides information showing that a document existed before a given time.

“Electronic or digital signature” means digital code attached to an electronic message. An "electronic signature" means any letters, characters, or symbols executed with an intent to authenticate a writing. A "digital signature" is an electronic signature that can be used to authenticate the identity of the sender of a message or the signer of a document, and possibly to ensure that the original content of the message or document that has been sent is unchanged.

“Electronic Document Management System (EDMS)” means a collection of computer software application programs and hardware devices that provides a means of organizing and controlling the creation, management and retrieval of documents through their life cycle. It may include workflow software which enables organizations to define routing and processing schemes to automate the business processes for document handling. It may also include imaging and optical character recognition (OCR) software and devices to support the capture, storage, and retrieval of document images from paper.

"Electronic filing system" means a collection of software application programs used to transmit documents and other court information to the court through an electronic medium, rather than on paper. An electronic filing system may include functions to send and receive documents, pay filing fees, and receive court notices and information.

“File transfer protocol (FTP)” means a standard Internet application protocol used to exchange files between computers on the Internet. It is commonly used to download programs and other files to a computer from other servers.

“Non-proprietary” means material (particularly software) that is not subject to ownership and control by a third party. “Proprietary” generally refers to vendor-owned material whose specifications are not public.

“Public Key Infrastructure (PKI)” is a system using digital certificates with an encryption methodology that has two keys, a public key and a private key. The keys are related in such a way that only the public key can be used to encrypt messages and only the corresponding private key can be used to decrypt them.

B. Purpose. This section provides administrative requirements, standards and guidelines to enable Arizona courts to achieve these goals:

1. To allow the electronic exchange of documents within the court system;
2. To assure that courts carefully plan the migration to an EDMS and select a system that is secure, flexible, robust and user-friendly;
3. To assure that courts establish an EDMS to manage, receive, docket, distribute, retrieve and access all internally generated and electronically filed documents; and
4. To assure that all Arizona courts implement electronic filing systems uniformly.

C. Authority. Only the chief justice, the chief judge of each division of the court of appeals, and the presiding judge of the superior court in each county may implement, consistent with these requirements and Rule 124, Rules of the Supreme Court of Arizona, an electronic filing system in their respective courts.

The presiding judge of the superior court in each county may implement, consistent with these requirements and Rule 124, an electronic filing system in one or more justice courts or municipal courts within the county.

D. Document Specifications. Documents filed or delivered electronically shall comply with the following:

1. All documents shall be preserved so that the content of the original document is not altered in any way and the appearance of the document when displayed or printed closely resembles the original without any material alteration.
2. Documents shall be in a format that provides for browser accessibility and no material alteration to content or appearance. Documents shall be formatted in either:
 - a. PDF (Portable Document Format) version 2.x or higher; or
 - b. XML (Extensible Markup Language), after the supreme court adopts standards for its use.
3. Hyperlinks, bookmarks and other similar navigational functions shall only refer to other parts in the same document.
4. Graphics, multimedia and other non-text documents may be permitted as follows:
 - a. Documents in imaged or graphic formats (for example, pictures or maps) shall be in a non-proprietary file format (for example, TIFF, GIF, or JPEG) and shall comply with ACJA §1-504.
 - b. Other multimedia files (for example, video or audio files) shall adhere to established industry standards and shall be in a non-proprietary format (for example, MPEG, AVI, and WAV). Each court implementing electronic filing has the discretion to accept or reject any other video or graphic format.
5. E-mail communications may be used for receipt, confirmation, and notification correspondence, and, if permitted by a court's electronic document filing procedures, as a method of transporting documents.
6. An electronic filing system may provide fill-in forms for routine matters such as traffic citations or small claims filings. The forms-based electronic filing system shall be capable of reproducing or printing the form with the data supplied by the filer, however, courts are not required to preserve the form's text and data together in PDF. The forms-based electronic filing system shall comply with all other requirements of this section.

E. Authentication.

1. Authentication of document source. Any court implementing electronic filing shall establish a procedure to verify and authenticate the source of electronically filed documents. Acceptable procedures include:
 - a. Electronic or digital signature and certificate;
 - b. User ID and password;
 - c. Credit card authentication; or
 - d. Other equivalent procedure.
2. Authentication of documents. To prevent alteration during transmission, any court implementing electronic filing shall establish a procedure for assuring that documents filed electronically have not been altered during transmission. Acceptable procedures include:
 - a. A checksum or hashing algorithm;
 - b. Digital time-stamps;
 - c. Digital certificates using PKI which provides for encapsulation of the message in such a way that altering it invalidates the associated certificate, or
 - d. Other equivalent procedure.
3. Maintenance of electronic documents. Any court implementing electronic filing shall employ security procedures that prevent unauthorized modification or deletion of the electronically filed document. These procedures shall include all of the following:
 - a. Establishing written procedures to ensure the integrity of electronic documents, so that any copies produced may be regarded as true and correct copies of the original document;
 - b. Performing virus checking to ensure documents are free from viruses;
 - c. Employing procedures that insure the availability of at least one other copy of the electronically filed document at all times;
 - d. Performing system backups at least daily;
 - e. Using recording media for storing electronic records that comply with ANSI/AIIM standards; and
 - f. Using non-reusable media for archiving court records electronically.

4. Filing of confidential and sealed documents. Courts shall not accept electronically filed confidential and sealed documents.

F. Communications. The electronic filing system implemented by any court shall:

1. Provide for electronic filing via the Internet or other publicly accessible mechanism;
2. Use industry-standard, non-proprietary protocols such as FTP; and
3. Provide for appropriate public access, with preference given to standard browser technology.

G. Processing.

1. Each electronic filing system shall generate an acknowledgment receipt for electronically filed documents.
2. Each electronic filing system shall be implemented with an automated interface to that court's case management and electronic document management systems that will:
 - a. Provide and verify case management data;
 - b. Automatically docket documents; and
 - c. Automatically index documents as required for locating the document and facilitating integration with the case and document management systems. Indexing elements may include:
 - (1) Case number;
 - (2) Document type;
 - (3) Filing party information; or
 - (4) Date filed.
3. The electronic filing system shall provide appropriate public access. Every court implementing electronic filing shall ensure that its electronic filing system complies with ACJA §1-504 (C).
4. Prior to accepting electronic filings, each court implementing an electronic filing system shall develop an electronic filing plan that includes at least the following:
 - a. Hardware and software acquisition, installation, and implementation;

- b. Testing, training, staffing and support;
 - c. Integration with the document and case management systems; and
 - d. Security and document availability.
5. Each court implementing an electronic filing system shall electronically publish detailed procedures for use of its electronic filing system, that include at least the following elements:
- a. Filing procedures, including whether a party who electronically files a document is relieved from any obligation to file additional copies with the court, as may be required by local rule, and hours of availability;
 - b. Practices for acknowledgment of receipt and exception processing; and
 - c. Procedures for addressing transmission difficulties and obtaining assistance.

H. Periodic Review. These requirements are designed to be flexible to allow for technical innovations and shall be reviewed annually by the Commission on Technology and updated to adapt to technological changes.

Effective December 7, 2001 □

Adopted by Administrative Order 2001-116